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ON WHAT IT MEANS TO BE A LAWYER OF FAITH¹

*The Honorable Leon Holmes**

Our topic is what it means to live the life of a lawyer and also live a life of faith. By living a life of faith, I mean faith in the God of Abraham, Isaac, and Jacob, faith in the Biblical God: I mean the faith of Protestant, Catholic, and Jew, whether male or female, black, white, yellow, or brown. I want to talk first about what it means to live the life of a lawyer and then how faith in the God of Abraham, Isaac, and Jacob might change that life.

In considering what it means to live the life of a lawyer, I want to call attention to an aspect of what it means to practice law that is obvious, so obvious in fact, that we seldom think about it. It is rarely a happy occasion when someone calls a lawyer. In more than twenty years of practicing law, no one ever called me and said, “the most wonderful thing just happened to me, and I need to hire a lawyer.” The call to the lawyer—I am speaking from my experience as a litigator—is usually precipitated by sin and misery. Something bad has happened. One person is making accusations against another. The call to the lawyer is most often a call of distress, a call for help.

The call may come from the sixty-three-year-old real estate agent, on the verge of retirement after thirty-five years selling real estate in a small town, who is being sued for fraud. It is the first lawsuit in her life. The financial security she has carefully accumulated with thirty-five years of working eighty hours per week is jeopardized and more importantly to her, so is the reputation for honesty that she has so carefully nurtured. She is not just a realtor; she is a mother, a grandmother, a Sunday school teacher. The call may come from the family of the Mexican couple driving from Knoxville, Tennessee, to Mexico—returning home after visiting their daughter and her family—when a tractor-trailer unexpectedly came across the median of the interstate highway and struck their minivan, killing the husband and seriously injuring the wife. The call may come from the young man who is facing a potential prison sentence of twenty years because he had paraphernalia for making methamphetamine in his car. The call may come from the divorced woman who is facing losing custody of her children because the children do not want to see their father, and she, the mother, is accused of alienating the children from their father.

1. This is a revised version of a speech delivered at a luncheon following the annual Red Mass at The Cathedral of St. Andrew in Little Rock on May 1, 2006.

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All of these people have had something go terribly wrong. They are all distraught. They are afraid. They are angry. They have a problem that may be the biggest problem of their lives. They also have something else—an adversary. Many professionals help people with problems—doctors do, as well as plumbers and mechanics. But the person who calls a lawyer most often will have not only a problem, but also an adversary. And the adversary will also have a lawyer. The father who thinks his ex-wife is teaching his children to hate him will have a lawyer. The driver whose tractor-trailer struck the Mexican couple will have a lawyer. The government, trying to stamp out illegal drugs, will have a lawyer. The couple who believes that they were defrauded by the realtor will have a lawyer.

A lawyer not only assists people in resolving problems; a lawyer also represents them in conflict. A lawyer generally is either representing someone who is engaged in conflict or is advising someone on how to avoid conflict. The life of a lawyer is a life of conflict. When the telephone rings, the mail or the email arrives, or the fax comes, it usually involves conflict.

I have had clients who asked if a lawyer takes more than one case at a time. The answer is yes. A lawyer will have dozens, sometimes hundreds, of cases at one time. Many of these cases will be the most important, most urgent event in the lives of the respective clients. Each client will want the lawyer to attend to his case as though it were the most important case in his career. Each case potentially will require investigation, witness interviews, pleadings, briefs, depositions, and court appearances. Each of these events will have deadlines. Each deadline will have potentially catastrophic consequences if it is missed. The lawyer who is urgently working to meet one of these deadlines will have other clients with deadlines, with emergencies, and with urgent need for help. One client's needs often cannot wait while the lawyer meets another client's deadlines. In handling all of these cases, the lawyer will be forced to make innumerable decisions—both strategic and moral. He will be forced to make these decisions, oftentimes quickly, on the run, and without time for leisurely reflection.

The life of a lawyer is not only one of conflict; it is also one of uncertainty. The lawyer cannot control the outcome of the case except by losing it. The lawyer can lose a case by missing a deadline for filing a complaint or an answer or a notice of appeal, or by failing to interview the key witness, failing to hire the right kind of expert witness, or in a myriad of other ways. Winning a case, however, is not in the lawyer's control. After a lawyer has worked as hard as possible, has brought to bear all of the legal knowledge and skill he has, and has exercised all the prudence and good judgment possible, the outcome will still depend on others.

The outcome will depend on witnesses who are subject to failing memories. What a witness tells the lawyer today, he may not say tomorrow in a deposition or next year at trial. Witnesses sometimes crack under the pressure of cross-examination—or even direct examination—and make mistakes

that hurt or even destroy the possibility of a successful outcome. The outcome of a case sometimes will depend on the hard work, diligence, good judgment, and intelligence of expert witnesses. I have seen expert witnesses fold on cross-examination and give away, by their concessions, a client's entire case. Often there are co-plaintiffs or co-defendants whose lawyers' missteps sink the case for all of the plaintiffs or all of the defendants. And, of course, there is the lawyer on the other side who is working hard, interviewing witnesses, hiring experts, doing legal research, making strategic decisions, and finding arguments—doing everything he can think of to win for his client. Even when everything goes right, the outcome will depend on a judge or a jury or an appellate court who may make wholly unforeseeable decisions. The lawyer will awake in the middle of the night, in a cold sweat, struck with fear that he has miscalculated a deadline and lost the case or has pursued a strategy that may have catastrophic consequences that he had not anticipated.

As the last comment suggests, the life of a lawyer is not something that can be bottled and left on the shelf at work. The joys, sorrows, worries, anxieties, and fears of a lawyer oftentimes do not stay at the office; they go home with the lawyer. A lawyer will have a life outside the law practice, and the one affects the other. The time spent at work will take away from the time that could be spent with the family, and the time spent with the family will take away from time that could be spent serving clients. The stress of a lawyer's responsibilities at work affects how well the lawyer performs family responsibilities; likewise, the stress of a lawyer's family responsibilities affects the lawyer's performance at work.

We should not overlook the fact that the person who practices law rarely does so completely alone. Usually, the lawyer will practice law with other lawyers. A lawyer will have partners, associates, or both. These lawyers also will have dozens or hundreds of cases. They also will have clients with urgent demands, opposing lawyers who make their lives difficult, and judges who have imposed imminent deadlines. Each of these lawyers will have personal problems, which may be a chronic illness, a messy divorce, a custody battle, a child with behavior problems at school, parents who are ill, or any one of the seemingly infinite afflictions that beset fallen man. The law firm will have employees, and these employees will have the same stresses and pressures. The law firm, itself, no matter how well it runs, will contribute its own share of stress and pressure. Some lawyers will not get along with others. Some staff members will not get along with others. Associates will quit. Staff members will quit. Partners will leave. It may become necessary to fire an associate or a staff member. There will be pressure each month to produce the revenue to meet payroll, pay the rent, pay the other overhead, and send money home with the partners after all the bills are paid. The partners often will disagree on how to divide the profits—when there are profits—among themselves.

I have attempted to draw for your mind's eye a picture of what the life of a lawyer is like. It is a swirl of activity, of unforeseen demands, of constant decision-making; it is a life of stress and pressure. Everyone with whom the lawyer regularly deals in his professional life is under stress and pressure. The life of a lawyer certainly has its rewards, but those rewards come, like all rewards, at a price.

All of this is to set the stage to try to say something about what it means to practice law while simultaneously living a life of faith. I wanted to remind you of the persons to whom the lawyer has obligations—clients, partners, associates, employees, opposing counsel, opposing parties, witnesses, judges, and juries, as well as family, friends, and church—and to remember what it means to be pulled in different directions by the multitude of simultaneous legitimate demands that these various persons impose.

It seems to me that a life of faith revolves around one point: to live a life of faith is to live moment by moment in the light of eternity—it is to live moment by moment with one eye of the soul turned toward the God of Abraham, Isaac, and Jacob.

For the lawyer of faith, living moment by moment in the light of eternity gives rise to certain movements in the soul. The first movement increases the pressure that the lawyer may feel. The lawyer of faith believes that he is subject to judgment by an All-Knowing and All-Mighty God for how he fulfills his responsibilities to his clients, his partners, and his family. He is subject to judgment by the All-Mighty God for how he treats opposing counsel, his witnesses, opposing witnesses, his staff, the staff of opposing counsel, court reporters, and everyone else he meets. Every pleading he files, every brief he writes, every argument he makes, is subject to judgment by God.

Earlier, I listed the persons to whom the lawyer has obligations, but I omitted the person to whom the lawyer of faith has his first and foremost obligation—God. The lawyer of faith is conscious of an additional and infinitely greater obligation than is his wholly secular colleague. That infinitely greater obligation is not separate from the obligations to clients, partners, family, and so forth; instead, it is an obligation that touches each of those obligations and transforms it from a mundane, worldly, transient matter to something fraught with eternal significance. Hence, the first movement in the soul for the lawyer living moment by moment under the aspect of eternity is to increase the sense of obligation—to raise the stakes and raise them infinitely.

The second movement in the soul of the lawyer who lives moment by moment in the light of eternity is, to some extent, the opposite of the first. To see each event in the light of eternity is to see it in its proper perspective, which is to say, that each event is seen as temporal, transient, and passing away. In the light of eternity, winning the case, building a successful career, and achieving earthly goals are not so important. The lawyer of faith does

not measure his worth by the same standard as the purely secular lawyer. His importance, his self-identity, and his definition of success is not determined by how the judge or jury decides the case, the success of his law firm, or the size of his bank account. Viewed in this light, the stakes seem not so high after all nor the pressure so great.

The third movement in the soul of the lawyer who lives moment by moment in the light of eternity is to clarify the innumerable moral decisions that a lawyer must make. It is easier to make moral decisions, for lawyers as well as for everyone else, when those decisions are made with a consciousness that they will be judged by God. A lawyer, or anyone, who sees a decision as one that God will judge has a moral compass—a true north—to guide that decision. Without such a moral compass—a true north—a lawyer, or anyone, navigates uncharted waters; he will always be looking to see what others are doing, which way the wind is blowing, and which way the current flows; he will never be really certain of where he is headed or how to get there.

The fourth movement in the soul of the lawyer who lives moment by moment in the light of eternity is the achievement of a sense of peace resulting from the recognition that God is love and that by His love He orders everything that happens to good.² Ultimately, the outcome of each case is encompassed within God's providence. God is not only a judge, He is also, and above all, love. God loves not only the lawyer, but also the real estate agent who has been sued for fraud, the Mexican family who has lost a father, the young man accused of selling methamphetamine, and the divorcee faced with the prospect of losing custody of her children—and He loves their adversaries. God will, by His infinite love and wisdom, direct all things. The lawyer cannot make everything come out alright, but he does not need to. God will take care of that.

The fifth movement in the soul of the lawyer who lives with his eye turned toward God is that he comes, in some measure, to love everyone with whom he deals. He sees clients as more than clients, adversaries as more than adversaries, partners and associates as more than partners and associates, and employees as more than employees. He learns to judge them not so much for what they can do for him, or what they may do to him, but as for what they are. They are persons created in the image of God, destined for eternity, having infinite dignity and worth.

2. "And we know that God causes all things to work together for good to those who love God, to those who are called according to His purpose." Romans 8:28 (NASB). This does not mean that every case is justly decided. Christians do not believe, to take the most obvious example, that Christ was justly condemned. We do believe, however, that God directs all things toward His eternal purpose so that He brings good out of evil. Cf. *Genesis* 50:20 (NASB).

The sixth movement in the soul of the lawyer who lives moment by moment in the light of eternity is that he will come to some measure of humility. Knowing that he will someday be judged, not by his peers or his clients but by an all-knowing God, will cause him to see, more clearly than before, how often he fails. Seeing in some measure his own motives and his own conduct from the eye of God, examining his conscience in that light, will push him to see that he has nothing of which to be proud. He will see that he has judged others but then committed the same sins. He will see that his excuses for his misdeeds, which often will be the stresses and pressures I have described, are just that—excuses. And he will see that, if he has succeeded in winning a case or building a practice, it could not have happened apart from God's unmerited favor.

The seventh movement in the soul of the lawyer who lives moment by moment in the light of eternity is that he will experience in some measure a death to self. The light of eternity will cause him to see that the true reason he feels stress, anxiety, and pressure from the demands of practicing law is that he is concerned about himself. He fears failure. He fears dishonor. He fears what others think. He craves praise and applause. He craves reward. He craves comfort. All the while he thought his concern was for others, but it was really for himself. He learns to let go of his concern for self and forget about himself. In some measure, he dies to self. It is a liberating death.

So, what difference will all of this make in the practice of law? It probably will not make a visible, tangible difference that an observer can readily see at any given moment. An observer ordinarily will not be able to tell that the lawyer who wrote a brief or a pleading was a believer or that the lawyer examining a witness is a man or woman of faith. Over time, however, the lawyer who lives moment by moment in the light of eternity will be different. He may not be so different on the first day of his career, but over time, he will be changed by the habitual, abiding effort to live moment by moment in the light of eternity. I do not say that the lawyer of faith will always consciously advert to the thought that he faces eternity, but that thought, that ruling principle of life, will be ever-present as a habitual, soul-forming principle; consciously or not, its presence affects every action and every decision. The goal of the lawyer of faith will be to subordinate every detail of life to the influence of that ruling principle and to allow no alien elements to find an entrance. If he achieves that goal—and few do—he will be a saint. And those who observe him over the course of his career will discern that he is different, even if they cannot define what that difference is.

A lawyer who lives moment by moment in the light of eternity will, over time, be different in seven ways.

First, he will serve his clients with great zeal, not only because he wants to succeed and not only because the Rules of Professional Conduct require it, but also because he loves them. He knows that God in His loving providence has sent them to him, and he knows that at the last judgment he

will be judged in part by how well he has fulfilled his responsibilities toward them. Other lawyers also will represent their clients with zeal, but the zeal of the lawyer motivated by love of God and love of neighbor will somehow be different.

Second, the lawyer living moment by moment in the light of eternity will act with compassion, not only toward his clients, but also toward all with whom he deals. He will treat opposing counsel and their clients, his colleagues, his employees, court reporters, employees in the clerk's office, and others whom he meets, as persons, like his clients, made in the image of God and therefore of infinite dignity and worth. He will recognize that they, along with his clients and himself, are engulfed in a catastrophe that affects the entire human race. Christian theology calls that catastrophe "original sin." The lawyer living moment by moment in the light of eternity will understand that he will be judged not only by how zealously he represents his clients but also by how he treats every person he meets. He will heed the admonition from St. Paul's letter to Titus: "Remind them . . . to speak evil of no one, to avoid quarreling, to be gentle, and to show perfect courtesy toward all men."³

Third, the lawyer living moment by moment in the light of eternity cannot be intimidated. A person who truly fears God, truly trusts God, and truly loves God will not fear what man may do. He will fear God, who can cast body and soul into hell; he will love God, who has sent his only Son to die for him and for the whole world; he will love his neighbor, but he will not fear his adversary. No adversary, no judge, no jury, no client, and no partner can separate him from the love of God.⁴

Fourth, the lawyer living moment by moment in the light of eternity will always be honest. One prayer that lawyers sometimes recite asks "that today I shall not, to win a point, lose my soul."⁵ The lawyer of faith will be determined that he will not, in order to gain a point, lose his soul. Consequently, he will gain the trust of those with whom he deals. He will gain the trust of clients, opposing counsel, judges, partners, associates, and employees. Those who come to know him will come to trust him.

Fifth, the lawyer who lives moment by moment in the light of eternity will comfort his clients and communicate his confidence, his peace, to them, though perhaps not so much by what he says as by what he is. Clients will sense that they have a lawyer who stands on a Rock that cannot be moved. They will sense that he is not afraid and cannot be intimidated. They will sense that he loves them. They will sense that he is a man of compassion.

3. *Titus* 3:1–2 (RSV).

4. *See Romans* 8:38–39 (NASB).

5. *See* St. Thomas More Lawyers Society of Wisconsin, Lawyer's Prayer, <http://www.stthomasmoreswi.org> (last visited Feb. 12, 2009).

They will sense that he will always tell the truth and that he will always do what is right.

Sixth, the lawyer of faith will be a peacemaker.⁶ Because he sees each case in the light of eternity, he will know that true victory—the victory that will count as such on the last day—lies in peace. He will participate in the work of reconciliation, of breaking down the walls of hostility, of healing the wounded, and comforting the afflicted. Whether or not he has read Lincoln's Second Inaugural Address, the lawyer of faith will exemplify the spirit that motivated Lincoln's words:

With malice toward none; with charity for all; with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in; to bind up the nation's wounds; to care for him who shall have borne the battle, and for his widow and orphan—to do all which may achieve and cherish a just, and a lasting peace, among ourselves, and with all nations.⁷

Seventh, the lawyer who lives moment by moment in the light of eternity will accept persecution for the sake of justice. Living in the light of eternity will sometimes lead to persecution. A lawyer of faith, in following the moral teachings that he believes come from God, may become an advocate for an unpopular cause, or he may refuse to participate in some course of action that a client or a partner demands. But at some point, if he lives in the light of eternity, his principles will clash with those of the world, and then it may happen that men will revile him and persecute him and utter all kinds of evil against him falsely.⁸ It happened to the patron saint of lawyers, Saint Thomas More.⁹ It happened to Christ.

6. See *Matthew* 5:9 (RSV), "Blessed are the peacemakers, for they shall be called sons of God." *Id.*

7. ABRAHAM LINCOLN, THE SECOND INAUGURAL ADDRESS (March 4, 1865), *reprinted in* THE COLLECTED WORKS OF ABRAHAM LINCOLN, at 333 (Roy P. Basler ed., 1953).

8. *Matthew* 5:10–11 (RSV).

9. See <http://www.newadvent.org/cathen/14689c.htm>. Thomas More was Lord Chancellor of England, an author and a martyr, born in London, 7 February, 1477–78; executed at Tower Hill, 6 July, 1535, after being convicted of treason for his refusal to take an oath acknowledging the issue of Henry VII and Anne Boleyn as legitimate heirs to the throne, and repudiating "any foreign authority, prince or potentate," which was a reference to the Pope. *Id.*